

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

VISHVA DESAI and PHILIP J. CHARVAT on
behalf of themselves and others similarly
situated,

Plaintiffs,

v.

ADT SECURITY SERVICES, INC.,

Defendant/Third Party Plaintiff,

PETE TOLMAN, LEADS DIRECT MARKETING,
VOICE TEL CORP., CHRISTOPHER LONG,
EMI, INC., CITY VIP, LLC, JMB ENTERPRISES,
DIRECT SAVINGS USA, INC., OSCAR
MONTENEGRO, EVERSAFE SECURITY
SYSTEMS, INC., SAFE STREETS USA, LLC,
PARAMOUNT MEDIA GROUP, THE ELEPHANT
GROUP, INC., and UNKNOWN JOHN DOE
DEFENDANTS I THROUGH XX,

Third-Party Defendants.

SAFE STREETS USA, LLC, SUCCESSOR BY
MERGER TO EVERSAFE SECURITY
SYSTEMS, INC.,

Fourth-Party Plaintiff,

v.

DIRECT SAVINGS USA, LLC,

Fourth-Party Defendant.

Case No. 1:11-cv-01925

Judge Elaine E. Bucklo

CONSENT JUDGMENT AGAINST THE ELEPHANT GROUP, INC.

WHEREAS, the Plaintiff, VISHVA DESAI filed this Class Action Complaint against Defendant, ADT SECURITY SERVICES, INC., succeeded in interest by ADT, LLC (hereinafter "ADT") alleging that through sub-agents, ADT violated the Telephone Consumer Protection Act of 1991, 47 U.S.C. §227, *et seq.* seeking statutory and actual damages ("the Action");

WHEREAS, ADT named THE ELEPHANT GROUP, INC. (hereinafter "EG") as a Third-Party Defendant in the Action seeking indemnity from EG for and from any losses sustained in the Action;

WHEREAS, ADT ultimately settled the Action on a class-wide basis for \$15 million;

WHEREAS, ADT obtained an Order awarding ADT \$8 million against EG, representing the remaining un-indemnified portion of the \$15 million class settlement;

WHEREAS, the Court reserved jurisdiction to determine the amount of attorney's fees and costs that ADT could recover against EG;

WHEREAS, ADT and EG entered into a Settlement Agreement on June 26, 2015 ("Settlement Agreement") concerning the pending matter;

WHEREAS, pursuant to the aforesaid Settlement Agreement, ADT and EG stipulate that the total amount of the judgment, including costs, attorney's fees and interest, is \$11.5 million;

WHEREAS, ADT and EG now desire to avoid further litigation and to settle ADT's claims and award judgment against EG for \$11.5 million, with

payments of specific sums due under the Settlement Agreement satisfying that judgment;

WHEREAS, ADT and EG agree that the Court has jurisdiction over the subject matter of the Action;

IT IS HEREBY ORDERED that JUDGMENT be, and hereby is entered in favor of ADT and against EG in the amount of Eleven Million, Five Hundred Thousand Dollars, subject to the terms of the Settlement Agreement, in the following particulars:

1. The entry of this Consent Judgment concludes the Action. The Court will deny all pending motions as moot. However, the Court will retain jurisdiction to enforce, implement, or construe this Consent Judgment. ADT and EG consent to jurisdiction and venue in this Court for any related proceedings.
2. Within five (5) days after the District Court's entry of this Consent Judgment, EG will voluntarily dismiss its appeal pending in the Seventh Circuit Court of Appeals.
3. EG will pay the settlement sums according to the terms of the Settlement Agreement.
4. Upon receipt of the settlement sums due pursuant to the Settlement Agreement, this Consent Judgment will be deemed satisfied.
5. Upon satisfaction of this Consent Judgment, EG will file and record an appropriate Satisfaction of Judgment with the Court. ADT will not record this Consent Judgment in any court or jurisdiction other than this one.

ENTERED.



District Judge Elaine E. Bucklo

DATED: October 5, 2015

Stipulated and Agreed:

*ADT Security Services, Inc., Third-
Party Plaintiff*

/s/ Mark T. Deming (with consent)

Mark T. Deming
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*The Elephant Group, Inc., Third-Party
Defendant*

/s/ Joel D. Bertocchi

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